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असाधारण

EXTRAORDINARY

भाग [II—खण्ड 3—उपखण्ड (ii)]

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

CENTRAL BOARD OF DIRECT TAXES

NOTIFICATION

INCOME TAX

New Delhi, the 15th November 1972

S.O. 708(E).—In exercise of the powers conferred by section 295 of the Income tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following rules further to amend the Income-tax Rules, 1962, namely:—

1. (1) These rules may be called the Income-tax (Fourth Amendment) Rules, 1972.

(2) The provisions of these rules, other than rule 3, shall come into force on the 15th November, 1972; and rule 3 shall come into force on the 1st January, 1973.

2. In the Income-tax Rules, 1962 (hereinafter referred to as the principal rules), after Part X-A, the following Part shall be inserted, namely:—

“PART X-B

*Acquisition of immovable properties under Chapter XXXA*

48D. *Jurisdiction of competent authorities.*—Where any immovable property is situate within the local limits of the jurisdiction of two or more competent

authorities, the competent authority within whose jurisdiction the office of the registering officer who registered the instrument of transfer in respect of such property is situate shall be the competent authority to perform the functions of competent authority under Chapter XXA in relation to such property.

48E.—*Manner of publication of notice for acquisition.*—The substance of the notice under sub-section (1) of section 269D in respect of any immovable property shall be made known in the locality in which such property is situate by proclamation in the language of the District by beat of drum or other customary mode.

48F.—*Form of appeal to the Appellate Tribunal.*—An appeal under section 269G to the Appellate Tribunal shall be in Form No. 37F and the form of appeal, the grounds of appeal and the form of verification appended thereto shall be signed by the person specified in sub-rule (2) of rule 45.

48G.—*Statement to be furnished in respect of transfers of immovable property.*—The statement required to be furnished to the registering officer under sub-section (1) of section 269P shall be in Form No. 37G, and shall be signed and verified by the transferee in the manner indicated therein.

48H.—*Form of fortnightly return to be forwarded by registering officer to the competent authority.*—The return to be forwarded by the registering officer to the competent authority under clause (b) of sub-section (2) of section 269P shall be in Form No. 37H and be verified in the manner indicated therein.”

3. After rule 111A of the principal rules, the following rules shall be inserted, namely:—

“111AA. *Conditions for reference to valuation Officers.*—The percentage of the value of the asset and the amount referred to in sub-clause (i) of clause (b) of section 55A shall, respectively, be 15 per cent, and Rs. 25,000.

111AB. *Form of report of valuation by registered valuer.*—The report of valuation by a registered valuer in respect of any asset shall be furnished in the appropriate Form specified in rule 3D of the Wealth-tax Rules, 1957, and shall be verified in the manner indicated in such Form.”

4. After rule 121 of the principal rules, the following rules shall be inserted, namely:—

“122. *Notice in respect of properties held benami.*—The notice to be given to the Income-tax Officer under clause (c) of sub-section (1) of section 281A by a person claiming to be the real owner of any property held *benami* shall be in Form No. 53.

123. *Application under section 281A(2) for obtaining extracts from returns or certified copy of notice.*—An application to the Income-tax Officer under sub-section 281A for furnishing relevant extracts from any return of income or net wealth or a certified copy of the notice given under clause (c) of sub-section (1) of section 281A shall be made in Form No. 54.

124. *Fees for obtaining extracts from returns or certified copy of notice.*—Fees to be paid for the issue of extracts from any return of income or net wealth or a certified copy of the notice given under clause (c) of sub-section (1) of section 281A shall be two rupees for every such extract or copy.”

5. In Appendix II to the principal rules,—

(i) after Form No. 37E, the following Forms shall be inserted, namely:

“Form No. 37F

(See rule 48F)

*Form of appeal to the Appellate Tribunal against order of competent authority*

In the Income-tax Appellate Tribunal, .....

\*Appeal No. .... of / .....

Appellant

Versus

Respondent

1. The State/Union territory in which the office of the competent authority passing the order appealed against is situate.
2. The Competent authority passing the order appealed against.
3. Date of the order appealed against.
- \*\*4. Date of service of a copy of the order appealed against.
5. Address to which notices may be sent to the appellant.
6. Address to which notices may be sent to the respondent.
- @7. Relief claimed in appeal.

@Grounds of Appeal

- 1.
- 2.
- 3.
- 4.

etc.

Signature .....  
(Appellant)

*Verification*

I, ....., the appellant, do hereby declare that what is stated above is true to the best of my information and belief.

Verified today the ..... day of .....  
19.....

Signature .....  
(Appellant)

NOTES:

1. The memorandum of appeal must be in triplicate and should be accompanied by two copies (at least one of which should be a certified copy) of the order appealed against.
2. The memorandum of appeal must be accompanied by a fee of Rs. 125. It is suggested that the fee should be credited in the Treasury or a branch of the State Bank of India or a branch of the Reserve Bank of India after obtaining a challan from the competent authority and the triplicate challan sent to the Appellate Tribunal with the memorandum of appeal. The Appellate Tribunal will not accept cheques, drafts, hundis or other negotiable instruments.
3. The memorandum of appeal should be written in English and should set forth, concisely and under distinct heads, the grounds of appeal without any argument or narrative and such grounds should be numbered consecutively.
- \*4. The number and year of appeal will be filled in the office of the Appellate Tribunal.
- \*\*5. To be filled in only where the appeal is preferred by the transferor, the transferee or by a person who had made objections before the competent authority against acquisition of the property.
- @6. If the space is found insufficient, separate enclosure may be used for the purpose.

## FORM No. 37G

(See rule 48G)

*Statement to be furnished to the registering office under section 269P(1) of the Income-tax Act, 1961 along with the instrument of transfer.*

1. Name and address of the transferor.
2. Name and address of the transferee.
- \*3. Detailed description, location and other particulars of the property transferred as given in the instrument of transfer.
4. Whether land is free-hold or lease-hold.
5. In the case of building—
  - (a) floor-wise plinth area;
  - (b) year or years in which the building was constructed.
6. Name and address of person(s), if any, in occupation of the property.
- \*\*7. Name and address of any other person(s) interested in the property.
8. Consideration for transfer as stated in the instrument of transfer.
- @9. Estimated fair market value of the property.
10. If the transfer is by way of exchange, description and location of the thing or things for which the property is exchanged.
11. Fair market value of the thing or things mentioned against item 10.
12. If the consideration for transfer is less than the estimated fair market value—
  - (a) whether the transferee is a relative of the transferor, and if so, indicate relationship;
  - (b) whether a recital to the effect that the transfer is made to the relatives for a consideration less than the fair market value on account of natural love and affection is made in the instrument of transfer.
13. Was any agreement to sell the property registered under the Registration Act, 1908? If so,
  - (a) date of conclusion of the agreement.
  - (b) date and registration number of the agreement.
  - (c) consideration for transfer recorded in the agreement.

(Signature of the transferee)

## Verification

I, ....., do hereby declare that what is stated above is true to the best of my knowledge and belief.

Verified today the ..... day of ....., 19.....

(Signature of the transferee)

## NOTES:—

1. \*If the space is insufficient, separate enclosures may be used for the purpose.

2. "person interested", in relation to any immovable property includes all persons claiming or entitled to claim an interest in the compensation payable on account of the acquisition of the property under Chapter XXXA of the Income-tax Act, 1961.

3. @"fair market value", in relation to any immovable property transferred, means the price that immovable property would ordinarily fetch on sale in the open market on the date of execution of the instrument of transfer of such property.

## FORM NO. 37H

(See rule 48H)

*Fortnightly return under section 269P(2)(b) of the Income-tax Act, 1961 in respect of documents registered*

Name, designation and address  
of the registering officer,

Return for the fortnight ended .....

I am sending herewith a set containing.....statements in Form No. 37G as detailed below:

Serial No.	Registration & number of document purporting to *transfer immovable property registered during the fortnight	Name of transferee	Consideration stated in the instrument of transfer	Value of property assessed for purposes of stamp duty
			Rs.	Rs.
1	2	3	4	5
1.				
2.				
3.				
4.				
5.				
**etc				

I certify that—

- (i) the above return includes all documents purporting to transfer immovable properties registered by me during the fortnight ended.....;
- (ii) one complete set of statements in Form No. 37G received by me during the aforesaid fortnight is enclosed;
- (iii) the particulars furnished against item Nos. 1 to 4, 8, 10, 12(b) and 13 in the enclosed statements have been verified from the instruments of transfer and found to be correct;
- (iv) no document purporting to transfer immovable property has been registered by me during the said fortnight without obtaining the prescribed statement in Form No. 37G; and
- (v) all the particulars furnished in this return are correct and complete.

Signature and designation of  
the registering officer

Place.....

Date .....

Seal

Enclosures.

\* The term "transfer", in relation to any immovable property, means transfer of such property by way of sale or exchange.

\*\* If space is insufficient, separate enclosures may be used for the purpose."

(ii) after Form No. 52, the following Forms shall be inserted, namely:—

FORM No. 53

(See rule 122)

*Notice to the Income-tax Officer under section 281A(1) of the Income-tax Act, 1961*  
1961

To

The Income-tax Officer,  
.....  
.....

Sir,

\*I/we, ....., hereby bring to your notice that the property, particulars of which are given below, is held by..... as \*my/our *benamidar* and that, \*I am/we are the real owner(s) of the said property.

- (a) Detailed description of the property.
- (b) Address of the *benamidar*.
- (c) Date on which the right, title or interest to or in the property was acquired.
- (d) Consideration paid for acquiring the right, title or interest.

2. \*I/we propose to institute a suit to enforce \*my/our right in the aforesaid property in the court of .....

Signature .....

Permanent Account

Number, if any.....

Address .....

Date.....

\*Delete whichever is not applicable.

FORM No. 54

(See rule 123)

Application under section 281A(2) for obtaining extracts from return of income or net wealth or a certified copy of notice under section 281A(1)(c)

To

The Income-tax Officer,

Sir,

.....  
 .....

This is to state that the property particulars of which are given hereunder is held by .....

(Name and address of benamidar)

as \*My/our benamidar.

Detailed description of the property.

\*The income from the aforesaid property has been disclosed in \*my/our return of income for the assessment year(s) 19.....19.....

\*The aforesaid property has been disclosed in \*my/our return of net wealth for the assessment year(s) 19.....19.....

\*Notice under section 281A(1)(c) in respect of the aforesaid property was given by \*me/us on the .....day of ....., 19 ....

As \*I/we propose to institute a suit to enforce \*my/our right in the aforesaid property in the court of ....., it is requested that—

\*(i) relevant extracts from the return of income/net wealth for the assessment year(s) 19.....19..... showing that \*the income from the aforesaid property/the aforesaid property was disclosed in the return of \*income/net wealth for that assessment year may be issued to \*me/us.

\*(ii) the certified copy of the notice under section 281A(1)(c) may be issued to \*me/us.

\*I/we enclose a receipted treasury challan for Rs. 2 evidencing payment of the prescribed fee.\*\*

Signature .....  
 Permanent Account No. ....  
 Address .....

Date .....

Place.....

\*Delete whichever is not applicable.

\*\*The prescribed fee should be credited in the Treasury or a branch of the State Bank of India or the Reserve Bank of India after obtaining a challan from the Income-tax Officer."

[No. 228/F. No. 142(30)/72-TPL.]

O. P. BHARDWAJ, Secy.  
 Central Board of Direct Taxes.

